

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 12-2-04 Sunny Lakes, Madeira Limited/ C. William Laystrom Jr./John D. Voigt, 5400 Griffin Road/Generally located at the southwest corner of Griffin Road and the Florida Turnpike

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS SUNNY LAKES; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town has chosen to purchase the subject property, known as the Sunny Lakes Plat, and to use it as a passive park. The proposed use of the subject property necessitates the approval of a delegation request to delete the development rights on the parcel. The amendment is needed to release the plat obligations with Broward County and for potential refunds of previously paid impact fees.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Planning Report

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS SUNNY LAKES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the Pointe West Center North Plat was approved by the Town Council of the Town of Davie on June 21, 1989, 2000; and

WHEREAS, the Sunny Lakes Plat was recorded in the official records of Broward County in Plat Book 147, Page 6; and

WHEREAS, the Town of Davie has chosen to purchase the property to be used as a passive park and must revise the restrictive note in order to release plat obligations with Broward County and for potential refunds of previously paid impact fees; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the Sunny Lakes Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation



Applicant Information

Owner:

Name: Madeira Limited
c/o Barry Lethbridge
Address: 100 South Pine Island Road, Suite 202
City: Davie, FL 33314
Phone: (954) 424-7750

Petitioner:

Name: C. William Laystrom Jr./John D. Voigt
Doumar, Allsworth, et al.
Address: 1177 SE 3 Avenue
City: Fort Lauderdale, FL 33316
Phone: (954) 762-3400

Background Information

Application History: No deferrals have been requested.

Application Request: Approval of the resolution to authorize the change in the restrictive note on the Sunny Lakes Plat **FROM:** "This plat is restricted as follows: Parcel B: 13,500 square feet of commercial; Parcel A, C, B, D: 47 detached single family homes (46 proposed, 1 existing)"; **TO:** "This plat is restricted to a passive park".

Address/Location: 5400 Griffin Road/Generally located at the southwest corner of Griffin Road and the Florida Turnpike.

Future Land Use Plan

Map Designation: Commercial and Residential/Office

Zoning: Griffin Road Corridor District (Turnpike Node) and Residential/Office

Existing/Proposed Use: Rock Pit/Passive Park

Parcel Size: 16.87 acres (734,911 Square Feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	South New River Canal	Recreational & Open Space
South:	Residential & Vacant Land	Residential (5 DU/AC) & Residential (1 DU/AC)
East:	Florida Turnpike	Transportation
West:	Residential & Commercial	Residential (5 DU/AC) & Commercial
	<u>Surrounding Zoning:</u>	
North:	South New River Canal	
South:	R-3, Estate Dwelling District & A-1, Agricultural District	
East:	T, Transportation District	
West:	Griffin Road Corridor District (Turnpike Node) & R-5, Low Medium Dwelling Density	

Zoning History

Related Zoning History:

Rezoning (ZB 7-1-90): Ordinance (90-052) was approved on September 17, 1990, to rezone this parcel from NCR-1 and NCR-5 to CC, Commerce Center and B-2, Community Business District.

Rezoning (ZB 6-4-97): Ordinance (97-054) was approved on September 17, 1997, to rezone this parcel from R-1, Estate Dwelling District and R-5, Low Medium Density Dwelling Districts to B-2, Community Business District and RO, Residential/Office District.

Rezoning, Ordinance (2000-007) was approved on February 2, 2000, to rezone this parcel to the Griffin Corridor District (West Gateway Use Zone 1).

Plat History:

Plat (P 3-11-89): Town Council approved the Sunny Lakes Plat (R-89-178) on June 21, 1989.

Previous Requests on same property:

Right-of-Way: Ordinance (90-053) was approved on September 17, 1990, accepting an easement grant for use as a right-of-way from Sunny Lakes Inc.

Right-of-Way: Ordinance (90-054) was approved on September 17, 1990, accepting a warranty deed for use as a right-of-way from Sunny Lakes Inc.

Special Permit: The Special Permit SE 8-1-03 Sunny Lakes, pursuant to §12-33 (P) of the Land Development Code, in order to fill any water body with material obtained from off-premises in excess of three thousand (3,000) cubic yards, was withdrawn by the applicant on October 20, 2004.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This Planning Area 9 is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 11-2:* The location and designation of Lands for Recreation and Open Space use shall recognize the need for active and passive recreational facilities while preserving open spaces for aesthetic and environmental purposes.

Application Details

The Town has chosen to purchase the subject property, known as the Sunny Lakes Plat, and to use it as a passive park. The proposed use of the subject property necessitates the approval of a delegation request to delete the development rights on the parcel.

Staff Analysis/Findings of Fact

The amendment is needed to release the plat obligations with Broward County and for potential refunds of previously paid impact fees.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Exhibits

1. Justification
2. Plat
3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

SUNNY LAKES DELEGATION REQUEST
JUSTIFICATION STATEMENT

The subject property consists of the entirety of the Sunny Lakes Plat, which is currently vacant land and consists almost entirely of a lake. The subject property is 16.72 acres bounded by Griffin Road to the north and S.W. 48th Street to the south. The eastern boundary is S.W. 52nd Avenue and the western boundary approaches S.W. 54th Terrace. The northeastern and southeastern corners of the property are deleted from this plat. To the north of the property is Griffin Road and the C-11 Canal with predominantly residential development to the north of that. Immediately to the east is the Florida Turnpike with predominately residential development to the east beyond that. To the south is vacant land and residential development. To the west is residential development.

The owner, Madeira, Ltd., sought a permit to fill the lake in order to develop the property in accordance with the plat restrictions of commercial and single family residential use. The residents vehemently opposed this use and the Town of Davie chose to purchase the parcel for use as a passive park and/or wetlands mitigation. As a result, the plat note must be amended to delete all developmental rights and to restrict future use of the subject property to a passive park in accordance with the wishes of the Town of Davie and the surrounding residents.

In addition, the Town needs the amendment to the plat note in order to release the plat obligations with Broward County and for potential refunds of previously paid impact fees.

RECEIVED
DEC 10 2004
TOWN OF DAVIE
PLANNING & ZONING DIV

SUNNY LAKES

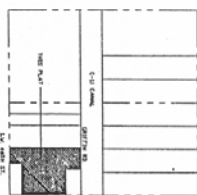
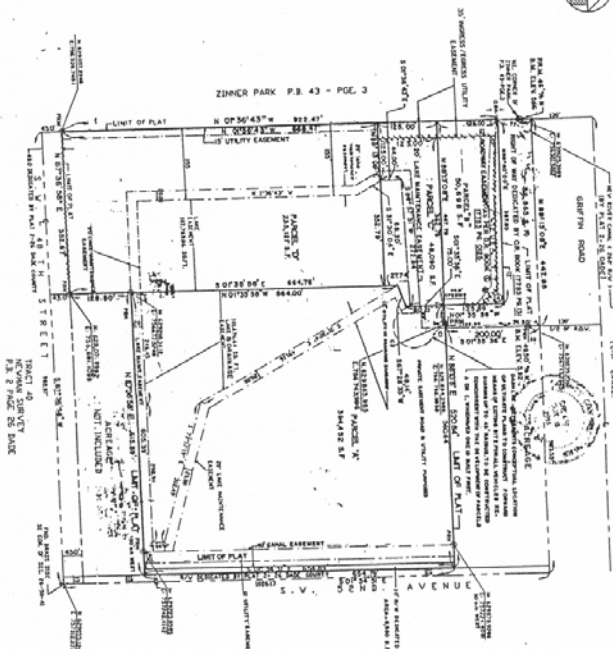
PLAT BOOK 147 PAGE 6
SHEET 2 OF 2

A RESUBDIVISION OF A PORTION OF TRACTS 31 AND 32 OF NEWMAN'S SURVEY
AS RECORDED IN P.B. 2, PG. 26 PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS LYING
IN SECTION 26, TOWNSHIP 30 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA

PREPARED BY
ASSOCIATED ENGINEERS AND SURVEYORS, INC.

STREET DESIGN INSPECTION SERVICE, LAND SURVEYING
4081 S. UNIVERSITY DRIVE, DADE, FLORIDA 33228 TEL. 434-5261
PROJECT NO. 89-28 APRIL, 1989

SCALE IN FEET: 1 INCH = 100 FEET



LOCATION SKETCH

SURVEYOR'S NOTES:

1. THE PROPERTY LINES SHOWN ON THIS PLAT WERE DETERMINED BY THE SURVEYOR BY MEANS OF A TRIPLE END TRANSIT, A 100' TAPED MEASURE, AND A 100' CHAIN. THE SURVEY WAS MADE ON THE 15TH DAY OF APRIL, 1989, AT 10:00 A.M. THE WEATHER WAS CLEAR AND THE VISION WAS GOOD. THE SURVEY WAS MADE BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC., AND THE RESULTS WERE CHECKED BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S.

2. THE PROPERTY LINES SHOWN ON THIS PLAT WERE DETERMINED BY THE SURVEYOR BY MEANS OF A TRIPLE END TRANSIT, A 100' TAPED MEASURE, AND A 100' CHAIN. THE SURVEY WAS MADE ON THE 15TH DAY OF APRIL, 1989, AT 10:00 A.M. THE WEATHER WAS CLEAR AND THE VISION WAS GOOD. THE SURVEY WAS MADE BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC., AND THE RESULTS WERE CHECKED BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S.

3. THE PROPERTY LINES SHOWN ON THIS PLAT WERE DETERMINED BY THE SURVEYOR BY MEANS OF A TRIPLE END TRANSIT, A 100' TAPED MEASURE, AND A 100' CHAIN. THE SURVEY WAS MADE ON THE 15TH DAY OF APRIL, 1989, AT 10:00 A.M. THE WEATHER WAS CLEAR AND THE VISION WAS GOOD. THE SURVEY WAS MADE BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC., AND THE RESULTS WERE CHECKED BY THE SURVEYOR, ASSOCIATED ENGINEERS AND SURVEYORS, INC. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S., AND THE RULES AND REGULATIONS OF THE FLORIDA BOARD OF SURVEYING AND MAPPING, CHAPTER 320, F.S.

LINE	LENGTH	BEARING
1	100.00	N 0° 00' 00" E
2	100.00	N 0° 00' 00" E
3	100.00	N 0° 00' 00" E
4	100.00	N 0° 00' 00" E
5	100.00	N 0° 00' 00" E
6	100.00	N 0° 00' 00" E
7	100.00	N 0° 00' 00" E
8	100.00	N 0° 00' 00" E
9	100.00	N 0° 00' 00" E
10	100.00	N 0° 00' 00" E

